

TWO-YEAR FEE BILL SIGNED

For the first time in recent memory, the State Bar next year will enjoy funding authority for more than a single year, plus modest fee increases to enable it to maintain its operations during that period, thanks to legislation ([AB 1529](#) by Assm. Judiciary Committee Chair [Dave Jones](#)) signed into law recently by Governor Arnold Schwarzenegger.

AB 1529 will fund the State Bar for the next two years by authorizing increases in the dues for active members in 2006 by \$5, to a total of \$395. In 2007, the authorized dues increase to \$400.



The dues for inactive members, which have not been raised since their inception almost 20 years ago, are increased under the bill to \$115 in 2006 and \$125 in 2007. The new levels more accurately reflect the services, benefits, and regulatory obligations of inactive attorneys, as well as avoiding larger increases in dues for active members.

The bill also restores the "scaling" statute to the original intent of ensuring that truly needy lower-income attorneys receive appropriate reductions in their fees, and ensures the continued solvency of the Client Security Fund, since \$5 of the active dues increase and \$10 of the inactive increase go to the support of that fund.

AB 1529 enjoyed strong bipartisan support throughout the legislative process. It was co-authored by Senate Judiciary Committee Chair [Joe Dunn](#), Senate President pro Tempore [Don Perata](#), and Assembly Judiciary Committee Vice-Chair [Tom Harman](#) --the first time in recent history that a dues bill has been co-authored by a member of the minority party. It also had the strong support of Senate Republican Leader [Dick Ackerman](#).

NEW TOOL TO FIGHT THE UNAUTHORIZED PRACTICE OF LAW

Governor Schwarzenegger also recently signed into law [SB 894](#) by Senate Judiciary Committee Chair [Joe Dunn](#), a State Bar-backed bill seeking which would provide substantial new tools to deter the unauthorized practice of law.

The bill, which passed both houses of the Legislature unanimously, authorizes the State Bar to pursue UPL by non-attorneys, using the same civil remedies available to it in the case of disbarred or

resigned attorneys. It does this by granting the Bar the authority to seek an order from the superior court (or for the court to issue such an order on its own authority) to assume jurisdiction of the illegal law practice of a non-attorney. The Bar would also have authority to assist the superior court in returning files to clients, protecting their rights and assisting them in finding other legal counsel.

The new civil remedy would be in addition to the criminal penalties and contempt sanctions authorized by current law.

SB 894 also contains a provision, sponsored by the Bar, to permit attorneys with psychological or substance abuse problems, who have been placed on inactive status with the State Bar while they successfully complete required activities through the Lawyer Assistance Program, to be credited for the time on inactive status towards any period of actual suspension imposed by the Supreme Court.



FOREIGN ATTORNEYS

Governor Schwarzenegger has signed into law legislation addressing a problem that arose in the wake of the September 11, 2001, terrorist attacks, that had effectively shut out untold numbers of attorneys from England, Ireland, Canada and other foreign countries from practicing law or taking the bar exam while residing in their home countries.

[AB 664](#) by Assm. [Dave Jones](#), permits the Committee of Bar Examiners, for purposes of registration, and the State Bar, for purposes of providing an original or renewed license to practice law, to accept applications from individuals who are not eligible to obtain the social security number currently required by statute, provided those individuals are in compliance with an order for child or spousal support.

The bill also specifically permits courts, which are required under current law to include the name and telephone number of a single local federally-funded legal services program in the notice sent to defendants in eviction actions, have the option of substituting the name of a legal services program receiving Interest on Lawyer Trust Accounts (IOLTA) funds. It further clarifies that courts may include the name of more than one federally or IOLTA-funded legal services program on the notice.